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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))

Docket Number (Optional)

HOT FOOT #3

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Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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| 5 2010 W P.O | v. 60x 1450 kandria, VA 22313-14 | 150 | FED Z 3 ZUIU | | | |
|---------------------------------------|---|--|---|----------------------|--|--|
| | : (571) 273-8300 | 100 | OFFICE OF PETITIONS | | | |
| ADEMNOTE: If info | ormation or assistanc | e is needed in completing thi | s form, please contact Petitions Informatio | n at (571) 272-3282. | | |
| Patent No. | 6,928,768 | | Application Number | · | | |
| Issue Date | August 16, 2005 | | Filing Date | | | |
| r | eissue patent numbe | r, if a reissue) and (2) the ap ading to issuance of that pat | nust correctly identify: (1) the patent numb plication number of the actual U.S. applica ent to ensure the fee(s) is/are associated v | tion (or | | |
| Also comple | ete the following info | ormation, if applicable | | | | |
| The above – | identified patent | | 02/18/2010 DALLEN 00000 | 021 6928768 | | |
| Is a reissue | | riginal Patent No. | 01 FC:1599 original issue date | 2130.00 OP | | |
| | original applicati | on number | | | | |
| | original filing dat | e | | | | |
| | | e entry into the U.S. under 35 | 5 U.S.C. 371 of international application | | | |
| | | CERTIFICATE OF MAILIN | IG (37 CFR 1.89(a)) | | | |
| United States Po Mail Stop Petitio | ostal Service on the d n, Commissioner for | ate shown below with sufficie | s being attached or enclosed) is being dep ent postage as first class main in an envelo candria, VA 22313-1450, or facsimile trans | pe addressed to | | |
| February | 1, 2010 | This | Signature | | | |
| Date | | | Signature | | | |
| | | Trina Her | nandez-Veliz | | | |
| | | Тур | ed or Printed Name of Person Signing Cer | rtificate | | |
| | | | | | | |

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

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| 1. SMALL ENT | TTY | | | | | |
|---|---|---------------------|-----------------------------|--------------------|--------------|--|
| Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27. | | | | | | |
| 2. LOSS OF EN | NTITLEMENT TO SMAL | L ENTITY STATUS | S | | • | |
| Patent | Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g) | | | | | |
| 3. MAINTENAN | NCE FEE (37 CFR 1.20(| (e)-(g)) | | | | |
| The appropriate | e maintenance fee must | be submitted with t | this petition, unless it wa | as paid earlier. | | |
| | NOT Small Entity | | 1 | Small Entity | | |
| Amount | Fee | (Code) | Amount | Fee | (Code) | |
| \$ | 3 ½ yr fee | (1551) | √ \$ \$490.00 | 3 ½ yr fee | (2551) | |
| \$ | 7 ½ yr fee | (1552) | \$ | 7 ½ yr fee | (2552) | |
| \$ | 11 ½ yr fee | (1553) | \$ | 11 ½ yr fee | (2553) | |
| | | | MAINTENANCE EF | EE BEING SUBMITTEI | D \$ 490.00 | |
| | | | | | | |
| 4. SURCHARG | ŀΕ | | | | | |
| The surcharge required by 37 CFR 1.20(i)(2) of \$ $\frac{1,640.00}{2}$ (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee. | | | | | | |
| CONTAIN | on or accepting difficent | ionally delayed pay | | FEE BEING SUBMITTE | =ne 1.640 00 | |
| | | • | SONOTANGLI | EE DEING GODWITTE | / | |
| 5. MANNER OF | F PAYMENT | | | | , | |
| Enclos | sed is a check for the sur | m of \$ | ·*·· | | | |
| _{5.} | | | | | | |
| Please | e charge Deposit Accoun | it No | the sum o | of \$ | | |
| Payment by credit card. Form PTO-2038 is attached. | | | | | | |
| 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY | | | | | | |
| 0. /\0/1.\ <u></u> | 11014 10 0111 1102 111 | 110000 | ' • | | | |
| The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit | | | | | | |
| Account No. 50-3935 | | | | | | |
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PTO/SB/66 (03-09)
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| | 7. OVE | RPAYMENT | 20101 20 17 111 2.49 | | | |
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| Petitione | er/applica | ant is cautioned to avoid submitting pers | WARNING: onal information in documents filed in a patent application that may contribute | | | |
| o identiticheck or opetition of should cadvised request is abandon see 37 (| y theft. For the transfer of the consider of the the complined application of the complication of the complete of the | Personal information such as social secuand authorization form PTO-2038 submibilication. If this type of personal informativedacting such personal information fror record of a patent application is available ance with 37 CFR 1.213(a) is made in teation may also be available to the publication may also be | urity numbers, bank account numbers, or credit card numbers (other than a tted for payment purposes) is never required by the USPTO to support a tion is included in documents submitted to the USPTO, petitioners/applicants in the documents before submitting them to the USPTO. Petitioner/applicant is e to the public after publication of the application (unless a non-publication he application or issuance of a patent. Furthermore, the record from an ic if the application is referenced in a published application or an issued patent forms PTO-2038 submitted for payment purposes are not retained in the | | | |
| r. | 8. STA | TEMENT | | | | |
| | The delay in payment of the maintenance fee to this patent was unintentional. | | | | | |
| | | | | | | |
| | | TIONER(S) REQUEST THAT THE DEL | AYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE | | | |
| | | Mano | February 1, 2010 | | | |
| | 1 | Signature(s) of Petitioner(s) | Date | | | |
| | Thomas R. Lampe | | 22,454 | | | |
| | | Typed or printed name(s) | Registration Number, if applicable | | | |
| | (925) | 288-9720 | | | | |
| | | Telephone Number | | | | |
| | BIELE | EN, LAMPE & THOEMING | | | | |
| | | | Address | | | |
| | 1390 | Willow Pass Road, Suite 1020, Con | cord, CA 94520 | | | |
| | | | Address | | | |
| | | 37 CFR 1.378(d) states: "Any petition upractice before the Patent and Tradem | under this section must be signed by an attorney or agent registered to ark Office, or by the patentee, the assignee, or other party in interest." | | | |
| | ENCLO | DSURES | | | | |
| Maintenance Fee Payment | | | | | | |
| | Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition) | | | | | |
| | | PTO-2038, Return postcare | d . | | | |